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ORTIZ & LOPEZ, PLLC P.O. BOX 4484 ALBUQUERQUE, NM 87196-4484				SELBY, GEVELL V
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LUIS M. ORTZ

Appeal 2009-007155
Application 10/620,098
Technology Center 2600

Decided: January 29, 2010

Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO
and KEVIN F. TURNER, *Administrative Patent Judges.*
HAIRSTON, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 from a final rejection of claims 1 to 4, 6, 7, 9, 10, 13 to 16, 18 to 25, 27, 29¹, 31, 33 to 40, 42, 44 to 48, 50 to 61, 63, and 65 to 85². Inasmuch as claims 29, and 79 to 85 were

¹ Claim 29 is not in the Appendix to the Appeal Brief.

² Claims 79 to 85 are not in the Appendix to the Appeal Brief.

not presented for our review in the Appendix to the Appeal Brief, we will only review the prior art rejections of claims 1 to 4, 6³, 7, 9, 10, 13 to 16, 18 to 25, 27, 31, 33 to 40, 42, 44 to 48, 50 to 61, 63, and 65 to 78, and summarily sustain the obviousness rejections of claims 29 and 79 to 85. We have jurisdiction under 35 U.S.C. § 6(b)⁴.

We will sustain the obviousness rejections of claims 1 to 4, 6, 7, 9, 10, 13 to 16, 18 to 25, 27, 31, 33 to 40, 42, 44 to 48, 50 to 61, 63, and 65 to 78.

Appellant has invented a method and system for capturing, transmitting, and processing at least two camera views of entertainment in an arena as video for display on a remote display screen. The at least two cameras are focused on the same target of interest in the arena, and one of the at least two cameras is a primary camera, and the other camera of the at least two cameras is a slave camera. The movement of the slave camera is synchronized to movement of the primary camera. A server processes the video for display on the remote display screen (Figs. 28, 31; Spec. 5, 14, 33, and 68-72; Abstract).

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for capturing, transmitting and processing arena camera views in an entertainment arena as video for display on a display screen associated with at least one remote viewer, said method comprising the steps of:

³ Claim 6 improperly depends from canceled claim 5.

⁴ An oral hearing was conducted on January 12, 2010 for the subject application.

simultaneously capturing at least two arena camera views of a live entertainment activity in an arena using a primary camera and at least one slave camera located proximate to the arena wherein movement of the at least one slave camera is synchronized to movement of the primary camera enabling the primary camera and at least one slave camera to remain focused on a similar target of interest in the arena while simultaneously capturing the at least two arena camera views;

transmitting said at least two arena camera views provided from the primary camera and the at least one slave camera to a server;

processing said at least two arena camera views at said server for display on a display screen associated with at least one remote viewer; and

enabling display of at least one arena camera view on a display screen associated with at least one remote viewer in response to user selection of said at least one arena camera view from said at least two arena camera views at the at least one remote viewer, thereby enabling a user of the at least one remote viewer to view the at least one arena camera view through said display screen associated with the remote viewer.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Paff	US 5,164,827	Nov. 17, 1992
Honey	US 6,154,250	Nov. 28, 2000
Anderson	US 6,578,203 B1	Jun. 10, 2003
Narayanaswami	US 6,657,654 B2	Dec. 2, 2003 (filed Apr. 29, 1998)
Pryor	US 6,766,036 B1	Jul. 20, 2004 (filed Jul. 8, 1999)

The Examiner rejected claims 1 to 4, 6, 13, 14, 15, 16, 18 to 24, 25, 33 to 38, 44 to 48, 50 to 58, 65 to 70, and 74 to 78 under 35 U.S.C. § 103(a) based upon the teachings of Anderson and Paff.

The Examiner rejected claims 7, 9, 10, 39, 40, 42, and 71 to 73 under 35 U.S.C. § 103(a) based upon the teachings of Anderson, Paff, and Narayanaswami.

The Examiner rejected claims 27 and 59 to 61 under 35 U.S.C. § 103(a) based upon the teachings of Anderson, Paff, and Honey.

The Examiner rejected claims 31 and 63 under 35 U.S.C. § 103(a) based upon the teachings of Anderson, Paff, and Pryor.

With respect to claims 1, 33, and 65, Appellant argues that Anderson describes an analog interface device 28 as opposed to a server (Br. 16-18), and that the skilled artisan would not have applied the master-slave camera system teachings of Paff to the entertainment venue application taught by Anderson (Br. 18-20).

ISSUES

Has Appellant demonstrated that the Examiner erred by finding that it would have been obvious to one of ordinary skill in the art to use a server in lieu of the interface device described by Anderson?

Has Appellant demonstrated that the Examiner erred in finding that it would have been obvious to one of ordinary skill in the art to apply the master-slave camera teachings of Paff to the entertainment venue application taught by Anderson?

FINDINGS OF FACT (FF)

1. Anderson simultaneously captures at least two camera views of an entertainment event in an arena, and uses an analog interface device 28 to transmit video signals to remote display screens. Neither camera serves as a primary camera (Fig. 1; col. 1, ll. 16-27; col. 2, ll. 1-39; col. 3, ll. 1-15; col. 5, ll. 31-46; col. 6, ll. 49-55; Abstract).
2. The video receiver disclosed by Anderson may be handheld or placed on the head (Fig. 4; col. 6, ll. 5-13).
3. Paff describes the use of a master-slave relationship in a video surveillance system. Each of the video cameras in the system are simultaneously controlled, and focused on the same target of interest in the area under surveillance to provide multiple views of the target of interest without operator intervention (Figs. 5, 6; col. 1, ll. 33-36; col. 2, ll. 10-48; col. 4, ll. 6-21; col. 5, ll. 12-15; Abstract).

PRINCIPLES OF LAW

The accommodation of a prior art analog device that accomplishes a desired goal to modern digital electronics would have been obvious to the skilled artisan. *See Leapfrog Ent., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007).

The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

ANALYSIS

For all of the reasons expressed by the Examiner (Ans. 3-7, 18, and 19), and for the additional reasons set forth *infra*, we agree with the Examiner that claims 1 to 14 are either taught by or would have been suggested by the applied references.

Turning first to claims 1, 33, and 65, we agree with the Examiner's reasoning that the analog interface 28 in Anderson is "equivalent to the server of the claimed invention since it performs the same functions of processing the video data and distributing it to the user" (Ans. 18-19) (FF1). Appellant's arguments concerning the lack of a server in Anderson are not convincing of the nonobviousness of the claimed invention because the accommodation of a prior art analog interface device that accomplishes a desired goal to modern digital server electronics would have been obvious to the skilled artisan. *Leapfrog*, 485 F.3d at 1161.

With respect to Appellant's argument concerning the differences between the Paff surveillance system and the entertainment venue application taught by Anderson, we agree with the Examiner that the skilled artisan would have turned to the teachings of Paff to modify the entertainment venue application taught by Anderson for the advantages of "automating the system, allowing one cameraman to control all the cameras by only controlling one camera and making the movement of the cameras quicker and more uniform, ensuring the desired subject is captured in all the cameras from the different angles" (Ans. 19) (FF3).

Appellant's argument that Anderson does not describe a handheld device is without merit inasmuch as Anderson teaches that the video receiver can be handheld or placed on the head (Br. 20-22) (FF2).

In summary, the obviousness rejection of claims 1, 33, and 65 is sustained.

The obviousness rejections of claims 2 to 4, 6, 7, 9, 10, 13 to 16, 18 to 25, 27, 31, 34 to 40, 42, 44 to 48, 50 to 61, 63, and 66 to 78 are likewise sustained because Appellant has not presented any patentability arguments for these claims apart from the arguments presented for claims 1, 33 and 65.

Appellant's arguments throughout the brief do not convince us of any error in the Examiner's positions in the rejections of claims 1 to 4, 6, 7, 9, 10, 13 to 16, 18 to 25, 27, 31, 33 to 40, 42, 44 to 48, 50 to 61, 63, and 65 to 78. The Examiner's articulated reasoning in the rejections possesses a rational underpinning to support the legal conclusions of obviousness.

Kahn, 441 F.3d at 988.

CONCLUSIONS OF LAW

Appellant has not demonstrated that the Examiner erred by finding that it would have been obvious to the skilled artisan to use a server in lieu of the interface device described by Anderson.

Appellant has not demonstrated that the Examiner erred by finding that it would have been obvious to the skilled artisan to apply the master-slave camera teachings of Paff to the entertainment venue application taught by Anderson.

Appeal 2009-007155
Application 10/620,098

ORDER

The obviousness rejections of all of the claims on appeal are affirmed.
No time period for taking any subsequent action in connection with
this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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